

Am  
No 223

Nov 11. 78

Reported back with  
substitute am to 301  
Thomson  
Asst Sec

To the Com  
on Legislative

In relation to  
increase of Salaries  
of officials—

Oct 11. 78  
Read & referred to  
Com on Legislative Dept  
48 Thomson  
Legislative Sec

Submitted  
Oct. 11. 1878  
by W. M. Smith of  
(over) San Francisco

To the Legislative Com

In relation to the salaries  
of officers

Article —

Sec. 1. — That the increase of salaries  
or compensation of any State County  
or Township officers, elected or  
appointed in this State shall be  
prohibited by Law, during the term  
of office to which he has been  
appointed or elected or any part  
thereof

Submitted Oct. 11, 78  
by W. M. Smith of  
San Francisco

Am  
No 224

Dec 13/78

To Comm. on

Reported back  
with substitute  
am #523,

Smith  
as Secy

Education

Simulation to  
religious teaching  
in Public Schools.

Oct 11. 78  
Read & referred to  
Com Education

4 Thornton  
as Sec  
Education  
Read in committee

Wm Ch  
Submitted Oct.

11. 78.  
by N.W. Smith of  
San Francisco

To the Com. on Education

In relation to religious teaching  
in Public Schools

Article —

Sec. 1 That no sectarian books, or  
sectarian creed shall ever be allowed  
in any of the Public Schools,  
Academies, Universities, or Colleges  
in this State

Submitted Oct. 11, 78.  
by — H. H. Smith

Agm 225  
~~Am 225~~

Municipal Corporations

Oct 11. 48  
Read & referred to  
Com on State & Muni-  
cipal Indebtedness  
Thornton  
Ass Sec

5-0  
Mun Indebtedness

Stepman  
Sedman

## Proposition No

In relation to Municipal Corporations

Section The indebtedness of any municipal corporation shall never exceed in the aggregate five per centum of the value of the property within such corporation, as ascertained from time to time by the tax duplicate thereof, without the consent first obtained to such increase of indebtedness, and the approval of the objects for which the same is created, of at least three fourths of the qualified voters of such corporation, to be ascertained in the mode prescribed by law, and in no case shall such indebtedness exceed ten per centum of such taxable value.

In ascertaining such indebtedness at any time, there shall be included an amount which at the rate of seven per centum per annum will produce a sum equal to the aggregate amount payable by such corporation for the rent of property leased to it.

This section shall not be construed to prevent any municipal

corporation from incurring any indebtedness necessary to complete any work authorized by law and undertaken before the adoption of this Constitution; nor until the first valuation of real estate for taxation after the adoption of this Constitution, to prevent the borrowing of money in anticipation of the collection of assessments actually levied nor shall the restrictions of this section apply to necessary expenditures for military purposes in time of war.

J. G. Fedman  
San Francisco

Am To 226  
Report to  
Committee  
on  
Taxation

Taxation of corporations

Oct 11, 78  
Read & referred  
to Revenue & Taxa-  
tion.

Thomson

as per

Nov. 18, 1878  
Reported back  
with substitute  
amendment No. 570

J. M. Wright  
Act. Sec. 1878  
Rev. 1878

Thomson

Thomson



# Proposition No

Art -

Sec - The Power to Tax Corporations  
or Corporate property shall  
not be diminished or suspended  
by any contract or Grant to  
which the State shall be a  
party

Chas. Swenson

Am to 227

## Taxation

Oct 11. 78

Read reference  
to Com on Revenue  
& Taxation

Thomson.

Ass Rec

Nov. 18, 1878

Reported back with  
Substitute Amendment  
No. 510. J. M. Wright,  
Asst. Secretary

52

Ref Inf

Tally for Laine

Tally  
for Laine

1-4

Article thirteen for  
the revised Constitution  
of the State of California  
Proposed suggested by  
J. H. Laine and introduced  
by P. B. Tully  
Delegate at Large

ARTICLE XIII.

TAXATION.

SEC. 1. Taxation shall be equal and uniform throughout the State. All private property in the State, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property" as used in this article and section is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things capable of private ownership, real, personal and mixed.

SEC. 2. The Legislature shall  
Cause to be levied and  
Collected annually, a State  
Poll tax of three dollars  
for school purposes from  
every male inhabitant of  
this State over twenty one  
and under sixty years of  
age from which tax no one  
of said class shall be  
exempt except idiots and  
insane persons and no  
other poll tax shall  
be imposed in this  
State by the State or  
any political division  
thereof

SEC. 3. No license tax shall be imposed by this State, or any municipality thereof, upon any trade, calling, occupation or business, except the following, viz: The manufacture and sale of all kinds of wine, spirituous and malt liquors; shows, theaters, menageries, slight-of-hand performances, exhibitions for profit, and such other business and occupations of like character as the Legislature may judge the public peace or good order may require to be under special State or municipal regulation and control.

SEC. 5. In the assessment and taxation of land, the improvements shall be separately assessed, but growing crops shall not be; and uncultivated land shall be assessed and taxed at the same price as cultivated land of the same quality similarly located.

SEC. 5. No corporation except for benevolent, religious, scientific or educational purposes shall be hereafter formed under the laws of this State, unless the persons named as incorporators shall, at or before the filing of the articles of incorporation, pay into the State treasury one hundred dollars for the first fifty thousand dollars or less stock; and a further sum of twenty dollars for every additional ten thousand dollars of its capital stock; and no such corporation shall hereafter increase its capital stock without first paying into the State treasury twenty dollars for every ten thousand dollars of increase.

SEC. 6. There shall be a State Board of Equalization in this State consisting of the Governor, Secretary of State, Comptroller, Treasurer, and Attorney General; said Board shall equalize the valuation of the taxable property in the State for State purposes and perform such duties as may be prescribed by law. The Board of Supervisors of the various counties of the State shall constitute Boards of Equalization of their respective counties for county purposes, and discharge such duties as the Legislature may prescribe.

SEC. 7. No agreement, contract, or obligation hereafter made or entered into in this State, shall be of any validity whatever, or be enforced in any of the Courts of this State, or be entitled to record, that provides directly or indirectly for the payment of the taxes or any part of the taxes of the lender of money or anything of value by the borrower, upon the money or things loaned.

SEC. 8. A succession tax shall be imposed and collected upon all legacies and distributive shares derived from the estates of all deceased persons; provided that no child, brother, sister, father, mother, husband or wife of any deceased person shall pay such succession tax (non resident aliens excepted) unless the distributive share of such person amounts in the aggregate to more than five thousand dollars in value, in which case all such persons shall pay a tax of one per cent. on the excess of five thousand dollars. All other persons, corporations and associations (except non-resident aliens and foreign associations and corporations) shall pay a like tax of one per cent. on the value of what they may respectively receive. Non-resident aliens and foreign corporations and associations shall pay a tax of two per cent. on the aggregate value of any distributive share they may respectively receive.

Am to 222

Schedule

J. H. Laine Santa Clara Co.

Oct 11. 78

Read & Referred to  
Committee on Schedule

Thorn  
asok

Jan 18/79

Reported back  
with sub amendments

# 532

5-3 Thompson  
last day

Schedule

Trillee for  
Sully for Land

1-5  
Schedule for a revised  
Constitution for the State of  
California suggested by  
J. H. Laine and introduced  
by P. B. Kelly  
Syllabus ~~XXXXXX~~ AT Large  
~~XXXXXX~~

SCHEDULE

"SEC. 1. All rights, prosecutions and claims, and all laws  
"in force at the time of the adoption of this Constitution, and  
"not inconsistent therewith, until altered or repealed by the  
"Legislature, shall continue as if the same had not been  
"adopted."

SEC. 2. The Legislature shall provide for the transfer of  
all records, books, papers and proceedings from such courts as  
are abolished by this Constitution, to the Courts provided for  
herein; and the Courts to which the same are thus transferred  
shall have the same power and jurisdiction over them as if  
they had been in the first instance commenced, filed or lodged  
therein.

"SEC. 3. In order that no inconvenience may result to the  
"public service, from the taking effect of this Constitution, no  
"office shall be superseded thereby, nor the laws relative to the  
"duties of the several officers be changed, until the entering  
"into office of the new officers under this Constitution.

SEC. 4. Every citizen of California declared to be a legal  
voter by the Constitution hereby revised and amended, and the  
laws now in force, shall be entitled to vote on the question of  
the adoption of this Constitution.

SEC. 5. This Constitution shall be submitted to the people,  
for their ratification or rejection, at a special election to be held  
on the first Wednesday in May, eighteen hundred and seventy-  
nine, as provided and directed in the Act of the Legislature  
calling this convention.

SEC. 6. This Constitution shall take effect and be in force  
on and after the fourth day of July, one thousand eight hun-  
dred and seventy-nine, at twelve o'clock m.

SEC. 7. The Secretary of State shall cause this Constitution  
to be published once a week for at least four consecutive weeks  
next before the first Wednesday in May, eighteen hundred and  
seventy-nine, in not more than five of the newspapers pub-  
lished in this State; one of such newspapers shall be published  
in the city and county of San Francisco, one in the city of  
Sacramento, one in the county of Los Angeles, one in the  
county of Nevada, and one in the county of Tulare. The  
Governor shall issue his proclamation, giving notice of the said  
election (for the adoption or rejection of this Constitution) at  
least two months before the said first Wednesday in May,  
eighteen hundred and seventy-nine; and the Boards of Super-  
visors of the several counties in the State shall cause said  
proclamation to be made public in their respective counties,  
and general notice of said election to be given for at least  
thirty days next before said election.

See sec 9  
Cons. of Mo.

Am to 229

Relative

<sup>to</sup>  
Foreign Affairs  
Lg

~~referred to~~  
Bill of Rights

Oct 11. 78  
Read & referred to  
Com on Preamble  
Bill of Rights  
Thornton  
ass Rec

Oct 24. off  
Reported back by the  
Com. without recommen-  
dation  
Thornton  
ass Rec  
Tuttle

Introduced by  
Mr. Martin of San Diego  
Nov 11 1878

Resolution Concerning  
Declaration of Bias of Reges -

It shall be unlawful for  
any Foreign Flag, Foreign Emblem  
or any Banner with any Religious  
device device's Emblem or Emblems  
thereon to be exhibited or carried  
in any public procession in this  
State



~~Proposition 4<sup>th</sup>~~  
Am to 230

Jan. 26, 1879  
Reported back with  
substitute amendment  
No. 535. J. M. Wright  
Asst. Secretary.

~~in Relations to~~  
~~the committee on~~  
Miscellaneous subjects

Oct. 11, '78  
Read & referred to  
Com on Miscellaneous  
Subjects  
Thornton  
as Rec

5-5

Miscell Duty  
Read in Com  
offered by <sup>Dean</sup>  
Alphonse Vacquerel  
October 11, 1878

Resolved that

No person, who shall hereafter be a collector or holder of public money, or receiver of money as an officer, shall be eligible to any office of trust or profit untill he shall have accounted for and paid according to law all money for which he is or may be liable

Nov. 18, 1878  
Reported back with  
Substitute Amendment  
No. 510. Wright  
Asst. Secretary

Am No 231

Providing for  
Commission School  
Land.

Oct 11. 78

Read & referred to  
Com on Education  
Thomson  
ass sec

Nov 1. 78

Reported back &  
referred to Com on  
Revenue & Taxation  
Thomson  
ass sec

Webster (Aved)

Rev. Am

~~Article~~  
State

~~Both~~ Providing for school  
fund

A school tax of five cts.  
per acre shall be annually  
levied and collected on  
each and every acre of  
land owned, claimed or  
occupied in this state.  
Said tax when collected to  
be placed in the general  
county treasury of the state  
to be accredited to the school  
fund of the school district  
wherein it raised

Wilder

Am to 232

Protectors of Labor  
& Mechanics Wages

Oct 11, 48

Read & referred  
to Com on Labor &  
Capital

Thornbr  
also see

Nov 13, 48

Reported back with  
a commendation that  
it be not adopted  
S. J. Thornbr

Labor & Capital

Wells  
Wells

For the Protection of labourers wages  
and  
Miscellaneous

Article in all cases of bankruptcy labourers wages shall be preferred creditors to the amount of one hundred dollars

Article All contracts which shall be hereafter drawn where in a monetary consideration is provided or implied shall stipulate the lawful money of the united states and all contracts drawn payable in any other specific kind of money shall be void and of no legal effect

Article The State prisoners commissioners shall be elected by the people

Article all Aliens shall pay a poll tax of ten dollars

Article All state prisoners shall be employed 8<sup>h</sup> hours a day directly for the benefit of the state and no prison labour shall ever be let out by contract

Wellin

Am to ~~234~~ 233.  
~~To Committee~~  
On Preamble  
And Bill Of  
Rights

Oct 11. 78  
Read & referred to  
Com on Preamble &  
Bill of Rights

S. Thornton  
as before

Oct 24. 78  
Reported back by the Com  
without recommendation

Thornton  
as before

Vicker

J. J. Wickes

## Preamble.

We, The People of the State of California,  
Declare That Government is absolutely inherent in God; that We exercise its functions by Divine Ordinance; that We hold it in His fear, and make it mandatory in His Name; when lawfully expressed.

And upon this Basis We establish  
this Constitution.



Am to ~~234~~ 234.

~~To Committee~~

On Education.

Oct 11. 78  
Read & referred to  
Com on Education

Thronton

Ass Rec

Presented and  
read Oct 17<sup>th</sup> 1878  
before Comm.  
Reported back recommending  
that it be not adopted  
E. J. Smith  
W. H. Lee

Wickes

J. T. Wickes

Resolved that this be incorporated  
in Article on Education, Section —

The State shall provide for a liberal system of Education, ranging from Primary to University Grade, and embracing the culture of the mind, body, morals, and manners of the child.

Am to ~~23~~ 235

## Rights of Women

Oct 11. 78

Read & referred to  
Com on Miscellaneous  
Subjects

Thomson  
Ass Rec

Read in Room  
Dean  
60

was Subjects

Jan. 25 1879  
Reported back with sub-  
stitute amendment, W. 530.

J. M. Wright  
Asst. Secretary  
J. M. Wright  
W. M. Wright

Relating to the rights of  
women in the New Constitution  
For Committee on  
Miscellaneous Subjects

SEC. 25. The State Library shall be placed in charge of some suitable widow or unmarried woman, to be appointed by the Governor, by and with the advice and consent of the Senate, who shall perform all the duties of Librarian, for which she shall receive the annual salary of two thousand dollars, and be allowed an additional sum of five hundred dollars for the employment of any assistants she may require in the performance of her duties.

SEC. 26. The State Capitol building, including all its offices, furniture, and ornamental grounds, shall be placed in charge of some suitable widow or unmarried woman—to be appointed by the Governor, by and with the advice and consent of the Senate—who shall receive as compensation the annual salary of eighteen hundred dollars, and an allowance of seven hundred dollars per annum for all assistance she may find it necessary to employ in the performance of her duties. And the Legislature shall by appropriate legislation provide for the carrying out of the provisions of this section and the section preceding it.

SEC. 27. Women of over twenty-one years' of age shall be eligible to any office, whether elective or otherwise, in the educational department of the government; and female teachers shall always be entitled to as high salaries as male teachers of the same grade.

SEC. 28. The Legislature shall provide that at least one-half of the employes in the State Printing office shall be females, if suitable female printers apply there for employment; it shall further provide by law that at least one-half the clerical help in all State offices shall be female, and as far as may be practicable, in all the public offices in large cities and counties throughout the State.

Offered by  
Mr. G. H. White

Am No ~~237~~ 236.

Miscellaneous Subjects

Oct 11. 78

Read & referred to  
Com on Miscellaneous  
Subjects

Thomson  
Ass Rec

Read in Room  
Yeaman

Jan. 25 1879  
Reported back with  
substitute amendment  
No. 538. J. M. Wright  
Asst. Secretary

61

Two Subjects

White

White

*In Relation to  
"Breach of Trust"  
for Committee on  
Miscellaneous Subjects*

SEC. 44. If any one who is a candidate for either House of the State Legislature shall publicly declare his intention to support, advocate and vote for, any

particular measure or proposed law, and shall after election refuse to support, advocate or vote for such measure or law, he shall be deemed guilty of a breach of trust; or if such a person make a public declaration that he will oppose, try to defeat, and vote against some particular measure or law, discussed before the people during his candidacy, and shall afterwards support, advocate, or vote for any such measure or law, he shall be deemed guilty of a breach of trust, and in either case he shall, upon the sworn complaint of any five of his constituents, be brought to trial before a jury in the District Court of the county in which he resides, and if convicted as charged, he shall forthwith forfeit his office, be fined a thousand dollars and be ineligible thereafter to any office of honor, trust or profit in the State.

SEC. 45. The complaint provided for in the previous section shall be full and specific in its character, and among other necessary allegations allege that the complainants voted for the person complained of, and were induced to do so in part, because of the public pledges given by him.

SEC. 46. A member of the Legislature proceeded against as provided for in the two foregoing sections, can claim no exemption from prosecution on account of being a member of the Legislature.

*Approved by  
J. H. White*  
11

Am to <sup>237.</sup>~~238~~

## Preamble

Oct 11. 78

Read & referred  
to Com on Preamble  
& Bill of Rights  
Thornton

Ass Rec

Oct 24. 78

Reported back by the  
Com. without recom-  
mendation

Thornton

Ass Rec

Wilson of Lehman

62  
Preamble & BofoR

Wilson of Lehman  
for done

Preamble and Declaration  
of Rights for a Revised  
Constitution of the State of  
California suggested by  
J. H. Laine and introduced  
by H. C. Kison  
Delegate from  
County

## PREAMBLE.

We, the People of California, grateful to Almighty God for our freedom, in order to better secure its blessings to ourselves and posterity, do ordain and establish this revised and amended Constitution.

### ARTICLE I.

#### DECLARATION OF ~~NATURAL~~ RIGHTS ~~AND~~

SECTION 1. All men are by nature free and independent, and have many inherent and inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted by them for their protection, security and benefit, and they have the right to alter or reform the same whenever the public good may require it.

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties in all civil cases, and in all criminal cases be low felony, in the manner to be prescribed by law.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State, and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed, nor shall

Shall cruel  
or unusual punishments  
be inflicted provided that  
whipping shall not be deemed  
cruel or unusual when  
inflicted as a punishment  
for crime; nor shall  
trials be unreasonable.





*Retained*

"SEC. 7. All persons shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or the presumption great."

"SEC. 8. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in active service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny, under the regulation of the Legislature) unless on presentment or indictment of a Grand Jury; and in any trial, in any Court whatever, the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law."

"SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted, and the jury shall have the right to determine the law and the fact."

"SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances."

"SEC. 11. All laws of a general nature shall have a uniform operation."

"SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace."

"SEC. 13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner to be prescribed by law."

SEC. 14. Representatives shall be by districts, as herein after provided.

"SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace."

"SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed."

SEC. 17. Foreigners who are entitled to become citizens of the United States under the naturalization laws thereof, who now are or may hereafter become bona fide residents of this State, shall enjoy the same rights in respect to the ownership, possession, enjoyment and inheritance of property as native-born citizens; foreigners not entitled to become citizens under the naturalization laws of the United States, shall not have the right to own any real estate, nor to make a will, nor to take any property by inheritance.

"SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State."

"SEC. 19. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches, shall not be violated, and no warrant shall issue but for probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized."

"SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open Court."

"SEC. 21. This enumeration of rights shall not be construed to impair or deny others retained by the people."

"SEC. 22. The Legislature shall have no power to make an appropriation, for any purpose whatever, for a longer period than two years."

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the page.

SEC. 23. No part of this Constitution shall be construed or held to be directory, but the whole thereof is hereby declared to be and intended to be mandatory.

SEC. 24. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, or for the use or benefit of any sectarian school, nor shall any grant or donation of any property ever be made by the State, or by any county, city, city and county, or town, to any creed, church or sectarian purpose whatever.

SEC. 25. The State shall never assume, become responsible for, or pay the debt or debts of any county, city, city and county, town or township, or of any corporation whatever.

SEC. 26. Private property shall not be taken for public use without just compensation be first made therefore in money; and such compensation shall be assessed by a jury, without deduction for benefit to any property of the owner.

*J. C. Wilson*

Am to ~~250~~ 238

# Bill of Rights

Oct 11. 78

Read & referred  
to Com on Preamble  
& Bill of Rights

Thomson

as per

Oct 24. 78

Reported back by  
the Com. without  
recommendation

Thomson

as per

W. H. A. L.  
W. H. A. L.

N Y Wyatt

Submits the following Proposition  
to be inserted in the Constitution  
in the Bill of rights

Section —

No Property shall be sold under  
judicial or other forced Sale unless  
at such Sale it bring two thirds  
of its appraised value to be ascertained  
as directed by Law